

**FRIEDMAN, JAMES & BUCHSBAUM LLP**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ERIC NIGHTLINGER,

22-cv-3757

Plaintiff,

**PLAINTIFF DEMANDS  
A TRIAL BY JURY**

-against-

**COMPLAINT**

CITY OF NEW YORK,

**SEAMAN'S CASE UNDER  
THE JONES ACT FOR  
PERSONAL INJURIES**

Defendant.

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**SUITS UNDER SPECIAL RULE FOR SEAMEN TO  
SUE WITHOUT SECURITY OR PREPAYMENT OF  
FEES FOR THE ENFORCEMENT OF THE LAWS  
OF THE UNITED STATES, COMMON AND STAT-  
UTORY FOR THE PROTECTION OF AND FOR  
THE HEALTH AND SAFETY OF SEAMEN AT SEA**

Plaintiff, ERIC NIGHTLINGER, complaining of defendant, CITY OF NEW YORK, by his attorneys FRIEDMAN, JAMES & BUCHSBAUM LLP, respectfully alleges as follows:

**FIRST COUNT**

1. Upon information and belief, at all times hereinafter mentioned, defendant, CITY OF NEW YORK, was a municipal corporation with offices within the State of New York and City of New York.

2. At all times and dates hereinafter mentioned, defendant, CITY OF NEW YORK, owned the F/B SSG MICHAEL H. OLLIS.

3. At all times hereinafter mentioned, defendant, CITY OF NEW YORK, operated the F/B SSG MICHAEL H. OLLIS,

4. At all the times and dates hereinafter mentioned, defendant, CITY OF NEW YORK, controlled the F/B SSG MICHAEL H. OLLIS.

5. At all times and dates hereinafter mentioned, plaintiff was a member of the crew of the F/B SSG MICHAEL H. OLLIS and an employee of the defendant.

6. That on or about January 31, 2022, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of defendant, CITY OF NEW YORK, its agents, servants and/or employees, and by reason of the unseaworthiness the F/B SSG MICHAEL H. OLLIS, plaintiff sustained injuries to his face, lip, teeth and gums when he was struck by a metal triangle during a rescue boat drill.

7. As a result of the foregoing, plaintiff was rendered sick, sore, lame and disabled and sustained severe permanent personal injuries, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has

endeavored to be cured of his injuries, and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

8. By reason of the foregoing, plaintiff has been damaged in the sum of THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS.

**SECOND COUNT**

9. Plaintiff repeats and realleges each and every allegation of the First Count in this Complaint as if fully set forth at length herein.

10. Plaintiff is entitled to maintenance, cure, and medical expenses for the period that he was disabled and unable to work in the total sum of FIFTY THOUSAND (\$50,000.00) DOLLARS.

**WHEREFORE**, plaintiff, ERIC NIGHTLINGER, demands judgment against defendant, CITY OF NEW YORK, in the First Count in the sum of THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS; and in the Second Count in the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS; together with interest and costs.

Dated: New York, New York  
May 9, 2022

**FRIEDMAN, JAMES & BUCHSBAUM LLP**  
Attorneys for Plaintiff

By: */S/ Bernard D. Friedman*

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